

JOHN C. CRUDEN
Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

JOHN S. MOST
Trial Attorney
Natural Resources Section
P.O. Box 7611 Washington, DC 20044
202-616-3353, Fax 202-305-0506

Counsel for Federal Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

WILDEARTH GUARDIANS, Plaintiff,) CV 14-13-BLG-SPW-CSO
)
)
v.)
)
)
U.S. OFFICE OF SURFACE MINING, RECLAMATION AND ENFORCEMENT <i>et al.</i> , Federal Defendants,) FEDERAL DEFENDANTS' STATUS REPORT ON CORRECTIVE NEPA ANALYSIS
)
)
and)
)
STATE OF MONTANA, SPRING CREEK LLC, NATIONAL MINING ASSOCIATION, Defendant-Intervenors.)
)
)
NORTHERN PLAINS RESOURCE COUNCIL INC. <i>et al.</i> Plaintiffs,) CV 14-103-BLG-SPW-CSO
)
)

)
v.)
)
JEWELL *et al.*,)
Federal Defendants,)
)
and)
)
STATE OF MONTANA *et al.*,)
Defendant-Intervenors.)
_____)

On January 21, 2016, the Court issued an Opinion and Order adopting the findings and recommendations of Magistrate Judge Ostby, with the exception of the recommended remedy, which the Court modified. Doc. 135 at 8-9 (“Opinion and Order”). In particular, the Court ordered that vacatur of the challenged mining plan decision be deferred for a period of 240 days while Federal Defendants prepare an “updated environmental assessment” (hereafter, “EA”), *id.* at 9, under the National Environmental Policy Act (“NEPA”). In addition, the Court ordered Federal Defendants to file monthly status reports on progress, by the last business day of each month during the 240-day period. Accordingly, Federal Defendants file the attached report, furnished by representatives of the Office of Surface Mining Reclamation and Enforcement (“OSMRE”). *See* Ex. 1. Most notably, the report indicates that OSMRE intends, on June 2, 2016, to make available for public comment a draft EA and, if appropriate, an unsigned Finding of No Significant

Impact. The public will have 33 days to submit comments for agency consideration. The project remains on schedule.

Respectfully submitted this 31st of May, 2016.

JOHN C. CRUDEN
Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

/s/ John S. Most
JOHN S. MOST, Trial Attorney
Natural Resources Section
P.O. Box 7611, Washington, D.C. 20044
202-616-3353 (voice), 202-305-0506 (fax)
john.most@usdoj.gov

Counsel for Federal Defendants

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being filed with the Clerk of the Court using the CM/ECF system, thereby serving it on all parties of record, this 31st day of May, 2016.

/s/ John S. Most
JOHN S. MOST
Counsel for Federal Defendants